

Translation

# PATENT COOPERATION TREATY PCT

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference <b>NE315-PCT</b>	<b>FOR FURTHER ACTION</b> <small>See Form PCT/IPEA/416</small>																									
International application No. <b>PCT/JP2004/003794</b>	International filing date (day/month/year) <b>19.03.2004</b>	Priority date (day/month/year) <b>10.04.2003</b>																								
International Patent Classification (IPC) or national classification and IPC   																										
<b>Applicant</b> <b>NEC CORPORATION</b>																										
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>8</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> (<i>sent to the applicant and to the International Bureau</i>) a total of <u>7</u> sheets, as follows:</p> <p><input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s))   <small>, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</small></p> <p>4. This report contains indications relating to the following items:</p> <table style="margin-left: 20px; border-collapse: collapse;"> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. I</td> <td>Basis of the report</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. II</td> <td>Priority</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. V</td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </table>			<input checked="" type="checkbox"/>	Box No. I	Basis of the report	<input type="checkbox"/>	Box No. II	Priority	<input checked="" type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input checked="" type="checkbox"/>	Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/>	Box No. VI	Certain documents cited	<input type="checkbox"/>	Box No. VII	Certain defects in the international application	<input type="checkbox"/>	Box No. VIII	Certain observations on the international application
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Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/JP	Authorized officer
Facsimile No.	Telephone No.

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/JP2004/003794

## Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

This report is based on translations from the original language into the following language \_\_\_\_\_, which is the language of a translation furnished for the purposes of:

- international search (Rule 12.3 and 23.1(b))
- publication of the international application (Rule 12.4)
- international preliminary examination (Rule 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

the international application as originally filed/furnished

the description:  
pages 1-18 as originally filed/furnished  
pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_  
pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_

the claims:  
nos. 3,5,8,11,14,17,23-29,31-33 as originally filed/furnished  
nos.\* \_\_\_\_\_ as amended (together with any statement) under Article 19  
nos.\* 1,7,10,13,16,18-22 received by this Authority on 04.10.2004  
nos.\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_

the drawings:  
sheets fig. 1-5 as originally filed/furnished  
sheets\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_  
sheets\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_

a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3.  The amendments have resulted in the cancellation of:

- the description, pages \_\_\_\_\_
- the claims, nos. 2,4,6,9,12,15,30 \_\_\_\_\_
- the drawings, sheets/figs \_\_\_\_\_
- the sequence listing (*specify*): \_\_\_\_\_
- any table(s) related to sequence listing (*specify*): \_\_\_\_\_

4.  This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- the description, pages \_\_\_\_\_
- the claims, nos. \_\_\_\_\_
- the drawings, sheets/figs \_\_\_\_\_
- the sequence listing (*specify*): \_\_\_\_\_
- any table(s) related to sequence listing (*specify*): \_\_\_\_\_

\* If item 4 applies, some or all of those sheets may be marked "superseded."

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

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**Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability**

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of:

 the entire international application claims Nos. 10

because:

 the said international application, or the said claims Nos. \_\_\_\_\_ relate to the following subject matter which does not require an international preliminary examination (*specify*): the description, claims or drawings (*indicate particular elements below*) or said claims Nos. 10 are so unclear that no meaningful opinion could be formed (*specify*):

Claim 10 is dependent from claim 2. However, claim 2 was deleted in the amendments.

 the claims, or said claims Nos. \_\_\_\_\_ are so inadequately supported by the description that no meaningful opinion could be formed. no international search report has been established for said claims Nos. \_\_\_\_\_ the nucleotide and/or amino acid sequence listing does not comply with the standard provided for in Annex C of the Administrative Instructions in that:

the written form

has not been furnished  
 does not comply with the standard

the computer readable form

has not been furnished  
 does not comply with the standard

 the tables related to the nucleotide and/or amino acid sequence listing, if in computer readable form only, do not comply with the technical requirements provided for in Annex C-bis of the Administrative Instructions.  
 See Supplemental Box for further details.

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**Box No. IV      Lack of unity of invention**

1.  In response to the invitation to restrict or pay additional fees the applicant has:  
 restricted the claims.  
 paid additional fees.  
 paid additional fees under protest.  
 neither restricted the claims nor paid additional fees.
2.  This Authority found that the requirement of unity of invention is not complied with and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.
3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is:  
 complied with.  
 not complied with for the following reasons:  
  
See Supplemental Box
4. Consequently, this report has been established in respect of the following parts of the international application:  
 all parts.  
 the parts relating to claims Nos. \_\_\_\_\_

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

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**Box No. V** **Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

**1. Statement**

Novelty (N)	Claims <u>1, 3, 5, 7, 8, 11, 13, 14, 16-29, 31-33</u>	YES
	Claims _____	NO
Inventive step (IS)	Claims <u>23, 24</u>	YES
	Claims <u>1, 3, 5, 7, 8, 11, 13, 14, 16-22, 25-29, 31-33</u>	NO
Industrial applicability (IA)	Claims <u>1, 3, 5, 7, 8, 11, 13, 14, 16-29, 31-33</u>	YES
	Claims _____	NO

**2. Citations and explanations (Rule 70.7)**

Document 1: WO 02/05558 A1 (Hitachi, Ltd.), 17 January 2002

Document 2: JP 2001-61142 A (Mitsubishi Electric Corp.), 06 March 2001

Document 3: KAMEYAMA, HANAMUEA "Digital Hoso Kyokasho (Jo)", IDG Japan, 01 February 2003, pages 311 to 312

Document 4: JP 10-51779 A (Sharp Corp.), 20 February 1998

(1) Claims 1, 3, 5, 7, 8, 29 and 31: Document 1

The inventions set forth in claims 1, 3, 5, 7, 8, 29 and 31 do not involve an inventive step in the light of document 1.

Document 1 (in particular, page 16, lines 14-23; page 17, lines 3-10) discloses a transcoder capable of modifying the level of resilience to error during encoding according to data transmitted from the terminal on the receiving side.

It would be easy for a person skilled in the art to use the parameters such as the resynch markers disclosed in document 1 (page 5, line 21 to page 8, line 11) when modifying the level of error resilience during encoding.

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## Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

Moreover, it would be easy for a person skilled in the art to initiate the encoding operation when control information is input in order to carry out encoding at set parameter, and performing in-frame encoding for the initial frame after the operation has been initiated would be common practice to a person skilled in the art.

## (2) Claims 11 and 13: Documents 1 and 2

The inventions set forth in claims 11 and 13 do not involve an inventive step in the light of documents 1 and 2.

It would be easy for a person skilled in the art to use method H.245 disclosed in document 2 (paragraph [0024], etc.) when transmitting data from the receiving-side terminal in the invention disclosed in document 1.

## (3) Claims 14 and 16: Documents 1 and 3

The inventions set forth in claims 14 and 16 do not involve an inventive step in the light of documents 1 and 3.

It would be easy for a person skilled in the art to use SDP (RFC2327) disclosed in document 3 (pages 311-312) when transmitting data from the receiving-side terminal in the invention disclosed in document 1.

## (4) Claims 17-22, 32 and 33: Documents 1 and 4

The invention set forth in claims 17-22, 32 and 33 do not involve an inventive step in the light of documents 1 and 4.

Document 4 (in particular, paragraphs [0003], [0004], [0019]-[0025]) discloses the feature of decoding MPEG4 encoded data using a tool set according to data

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Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

transmitted from a transmission-side terminal. It would be easy for a person skilled in the art apply the feature disclosed in document 4 when decoding the encoded data in the transcoder disclosed in document 1.

## (5) Claims 25 and 26: Documents 1, 2 and 4

The inventions set forth in claims 25 and 26 do not involve an inventive step in the light of documents 1, 2 and 4.

## (6) Claims 27 and 28: Documents 1, 3 and 4

The inventions set forth in claims 27 and 28 do not involve an inventive step in the light of documents 1, 3 and 4.

## (5) Claims 23 and 24

The inventions set forth in claims 23 and 24 are not disclosed in documents 1-4 and would not be obvious to a person skilled in the art.

**Supplemental Box**

In case the space in any of the preceding boxes is not sufficient.

Continuation of:

**IV. 3.**

The inventions set forth in claims 1, 3, 5, 7, 8, 11, 13, 14, 16, 18, 20, 22, 24, 26, 28, 29, 31 and 33 pertain to an encoding conversion device wherein encoded moving picture signals are decoded and "the decoded moving picture signals are compression-encoded" according to reception decoding data that is output from a moving picture decoding device on the reception side".

The inventions of claims 17, 19, 21, 23, 25, 27, 32 pertain to an encoding conversion device wherein "compression-encoded moving picture signals are decoded" according to the encoding transmission information that is output from the moving picture encoding device on the transmission side", and then the decoded moving picture signals are encoded.

There is no technical relationship among these inventions involving one or more of the same or corresponding special technical features. Accordingly, these inventions are not so linked as to form a single general inventive concept.

Since claim 10 recites claim 2 which has been deleted, it is unclear on which claim this invention is dependent.